IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10039 of 1999

For Approval and Signature:
HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAGDISHBHAI V PATEL - Petitioner(s)
Versus
REINE CHEMICALS - Respondent(s)

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Appearance :
MR MUKESH H RATHOD for Petitioner(s) : 1,
MR SD SUTHAT for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 26/07/2007

ORAL JUDGMENT

1. Heard Mr.Mukesh H.Rathod, learned counsel for the petitioner and Mr.S.D. Suthar, learned counsel for the respondent.

2. The petitioner, being aggrieved by the order dtd.26/4/1999 passed by the Labour Court, Navsari in Recovery Application Nos.188 to 192 of 1998 and 194 to 253 of 1998, is before this Court with a submission that the court below was absolutely unjustified in finally disposing of the recovery applications when it had only heard the parties on the question of jurisdiction.

3. Mr.Suthar, learned counsel for the respondent fairly submits that from the records of the Labour Court available with him, it would appear that the parties were not heard on the merits of the matter.

4. In view of the said submission made by the learned counsel for the respondent, impugned order dtd.26/4/1999 is hereby quashed and set aside. The matter is remanded to the Labour Court, Navsari for deciding the matter afresh in accordance with law.

5. The Labour Court shall be obliged to decide the question of jurisdiction of the Labour Court as a preliminary issue and if it holds that it has jurisdiction to proceed further

with the matter, then, it shall give appropriate opportunity to the present petitioner to defend the said applications. The parties present in this Court shall appear before the Labour Court on 31/8/2007, it shall be the duty of the petitioner to file a copy of this judgement before the Labour Court. The Labour Court shall make every endeavour to dispose of the matter finally within a period of nine months from the date of appearance of the parties.

6. The petition to the extent indicated above is allowed. Rule is made absolute accordingly. No costs.

(R.S. GARG, J.)

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